

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Lakishia M. Oliver

Debtor

Case No. 07-33554-H

Chapter 13

Judge K. R. Huennekens

DEBTOR'S MOTION, THROUGH COUNSEL, TO REOPEN CHAPTER 13
CASE AND VACATE DISCHARGE OF CASE

COMES NOW Counsel for LAKISHIA OLIVER, Debtor, and shows the Court as follows:

1. Debtor filed a chapter 13 case on September 20, 2007, less than four years after filing a chapter 7 in which she received a discharge (chapter 7 filed on January 7, 2004 and listed as a previous filing on her chapter 13 voluntary petition when it was filed in 2007). She successfully completed her payments to the chapter 13 trustee, Carl Bates, Esq., and counsel sent Ms. Oliver a certification of eligibility for discharge which she signed on April 4, 2012 and returned to counsel's office. Before sending the certification, counsel reviewed the past filing history and must have misread the dates of filing or miscalculated the time between the filings in that counsel sent the certification to Ms. Oliver with a cover letter which stated that a review had been done and no prior case within four years had been found. A copy of the letter that was sent to Ms. Oliver with the 1328 certification is filed as an exhibit in this case.

2. Shannon Pecoraro, counsel for the U.S. Trustee's Office, made debtor's counsel aware of the erroneous filing of the certification which led to entry of a discharge which was not available by law on May 23, 2013, the same day this motion is being filed. Immediately researched the issue by pulling the filing information for the case and then filed this motion immediately to remedy the serious error made by her.

WHEREFORE, counsel for debtor prays that this case be reopened so that counsel may file a withdrawal of the certification under Section 1328 of Title 11 of the U.S. Bankruptcy Code and the discharge may be vacated.

Respectfully submitted,

By: /s/ Ellen P. Ray _____
Ellen P. Ray

Counsel for LaKishia M. Oliver
1701 W. Main Street
Richmond, VA 23220
(804) 355-1800
Bar I.D. 32286

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2013, a true and exact copy of the foregoing Motion and Notice of Motion was mailed 1st class U.S. mail or sent electronically, to the chapter 13 trustee, the debtor at her last known address, the US Trustee's Office and all creditors and parties of interest as listed on Attachment "A".

____/s/ Ellen P. Ray _____
Ellen P. Ray

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: LaKishia M. Oliver, Debtor

**CHAPTER 13
CASE NO. 07-33554-KRH**

NOTICE OF MOTION AND HEARING

****Notice of Motion****

LaKishia M. Oliver, Debtor, has filed papers with the Court to Reopen her chapter 13 case to allow debtor to withdraw certification under Title 11, Section 1328 of the U.S. Bankruptcy Court and request that the discharge in this case be vacated.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the motion, or if you want the Court to consider your view on the motion, then on or before June 13, 2013 you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Fed. Rules of Bankruptcy Procedure Section 2002(a)(2) and Local Bankruptcy Rule 9013. If you mail your response to the court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Rm 4000
Richmond, VA 23219

You must also mail a copy to:

Attorney for Debtor
Ellen P. Ray
1701 W. Main Street
Richmond, VA 23220

A court hearing has been set on this matter. The hearing shall be held on June 19, 2013 at 10:30 am at the United States Bankruptcy Court, 701 E. Broad Street, Rm 5000, Richmond, Virginia 23219. No appearance is necessary unless you have filed a written response to this motion and are objecting to the granting of the motion by the Court.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the motions.

/s/ Ellen P. Ray

Ellen P. Ray, Esquire
1701 W. Main Street
Richmond, VA 23220
(804) 355-1800
Va. State Bar No. 32286

Date: 5-23-2013

Certificate of Service

I certify that a copy of the foregoing Notice of Hearing was mailing, by first class mail, or sent electronically, the May 23, 2013, to all parties of interest as shown on Attachment A of Motion attached as well as the following parties:

Office of the US Trustee
701 E. Broad Street, Rm 4304
Richmond, VA 23219

Lakishia M. Oliver
824 Rosegill
Richmond, VA 23236

Carl Bates, Trustee
PO Box 1819
Richmond, VA 23218-1819

Case 07-33554-KRH
Office of the US Trustee
701 E. Broad Street, Ste 4304
Richmond, VA 23219

Doc 41
Household Bank
PO Box 1701
Baltimore, MD 21297-1051

Oliver, LaKishia - 07-33554

Filed 05/23/13 Entered 05/23/13 15:35:41
Document Page 5 of 5

Desc Main

BB&T
Bankruptcy Dept.
PO Box 1847
Wilson, NC 27894-1847

Lendmark Financial Service
7526 W Broad St
Richmond, VA 23294

Best Buy
Retail Services
PO Box 17298
Baltimore, MD 21297-1298

Target
Retailers National Bank
PO Box 59231
Minneapolis, MN 55459

Best Buy Rewards
PO Box 15521
Wilmington, DE 19850-5521

Capital One Bank
P.O. Box 70884
Charlotte, NC 28272-0884

Check 'n Go
6856 Midlothian Turnpike
Richmond, VA 23225

Check City
3920 Hull Street
Richmond, VA 23230

Creekpoint Apartments

Dell Financial Services
Payment Processing Center
PO Box 4125
Carol Stream, IL 60197-4125

Dillard National Bank
P.O. Box 4594
Carol Stream, IL 60197-4594